

The Leesburg Planning Commission met on Thursday, November 3, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Wade Burkholder, Nick Colonna, Brian Boucher, Annie McDonald, Bill Ackman, Barbara Beach and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Wright

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Wright
Commissioner Barnes
Commissioner Burk
Commissioners Hoovler
Commissioner Kalriess
Commissioner Moore
Mayor Umstattd

Commissioner Bangert was absent.

ADOPTION OF AGENDA

Commissioner Kalriess moved to adopt the agenda as presented.

Motion: Kalriess
Second: Barnes
Carried: 6-0-1

APPROVAL OF MINUTES

Commissioner Barnes moved to adopt the minutes of the October 20, 2005 meeting.

Motion: Barnes
Second: Kalriess
Carried: 4-0-3

Commissioners Hoovler and Kalriess abstained from this vote.

CHAIRMAN'S STATEMENT

Chairman Wright reviewed tonight's agenda, explaining the rezoning from B-1 and B-2 to PRN of the 11,65 acres, along with the Zoning Ordinance Amendment adding this parcel into the H-1 district and the resulting rezoning. He asked if the latter two could be heard together with a separate vote. He recapped the remaining agenda stating that speakers would have three minutes.

PETITIONERS

None

PUBLIC HEARING

TLZM 2005-0001, rezoning of 11.65 acres from B-1 and B-2 to PRN, East side of Harrison Street and south of the W&OD Trail North of Catocin Circle.

Marty Mitchell, of Mitchell and Best, applicant, came forward and highlighted some of the designs they had incorporated into other areas, and were planning to incorporate into their Leesburg project.

Rob Mitchell, of Mitchell and Best, applicant, presented their vision on the development in this area. They see the area as an extension of the downtown area with architectural character. A mixture of retail, commercial and residential uses that will be active and pedestrian friendly, and that will encourage downtown nightlife. The project will incorporate some of the passive features already in the area. He went on to show some pictures of the projected final product, explaining that the main avenue through the development was patterned after Monument Avenue in Richmond. They are anticipating condos and two over twos for the residential portion of the application. Some of these will incorporate the retail and commercial on the lower floors.

Phoebe Kilby of Sympoetica came forward to show how they consulted with the Town Plan and feel that they have helped to design the application well within its guidelines. The Town Plan recommends redevelopment of the area that would extend the character of historic district, encouraging a variety of uses within walking distance. This would include a mixture of building scale and massing, short blocks and human scale architecture and spaces. The application also addresses the projections for housing and jobs.

Lee Quill of Cunningham Quill Architects addressed the importance of becoming part of the historic district. He explained how they studied the buildings in the old and historic district in great detail, analyzing the block faces, varying heights and detail used on the building faces. Another important design feature is the grid pattern that will allow traffic to flow through the area in organized fashion. Also, drawing on the existing W&OD Trail and Raflo Park helps to incorporate the passive green areas for the application. The proposed avenue will draw the areas together. Mr. Quill went on to describe some of the other features that the area will incorporate including street and parking design, incorporation of varying sidewalk widths and providing areas of passive recreation.

Wade Burkholder presented the staff report. Essentially the applicant is requesting rezoning from B-1 and B-2 to PRN. This includes 33,600 square feet of office space, 43,694 s.f. of retail space and 352 multi-family units. This is a redevelopment of a former manufacturing warehouse site. The application also includes expansion of the H-1 overlay district to take in this site, and an zoning ordinance amendment that expands

the H-1 overlay district. Mr. Burkholder went on to discuss the concept plan, and the modifications requested. They include landscape plans, parking spaces, loading spaces, buffer yard matrix and creek valley buffer setbacks. Modification to the DCSM and floodplain studies need further attention. Some transportation improvements have been recommended for the area. They include a southbound right turn lane from Harrison Street onto Catoctin Circle, a traffic signal at Harrison Street and Loudoun Street, a right of way improvement and a right turn lane from Industrial Court onto Catoctin Circle. Proffer guidelines pertaining to the application were then discussed. Reference to the July 12, 2005 Resolution which sets out required proffers for school capital facility purposes, was discussed. The applicant is offering proffers, but they are set out somewhat differently resulting in a shortfall. The staff recommends conditional approval based on the following: The application complies with the Town Plan, includes the intention to impose the highest architectural standards on the property expanded into the H-1 Overlay, assures that the project supports the Crescent District Master Plan and addresses the lack of critical failures.

At this time Chairman Wright opened up the public hearing portion.

John Connor, representing Middleburg Bank, 1033 N. Fairfax Street, came forward to voice his support for the project.

There were no other speakers so Chairman Wright closed the public hearing and opened it to the applicant for rebuttal. Marty Mitchell said their only concern was the school proffer requirement. He stated that bringing quality design and architecture into the site will increase the costs, along with their proposed underground parking. He feels these should be considered as part of the proffer package. He went on to say that the application was submitted in March, prior to the resolution adopted by the Council in July, and this requirement could put undue hardship on the cost of this project.

Commissioner Moore thanked the applicant for the good job they did in their design. He asked how they arrived at the \$6K figure per household in their proffer calculation. Mr. Mitchell replied they used an economic study to base the numbers on. Mr. Moore went on to address affordable housing. While the town does not have a formal policy, what has Mitchell and Best incorporated into other developments to address this issue? Mr. Mitchell said in the plan there is a variety of residential housing. It ranges from one bedroom condos to two over twos. The best practice is joint between the county and the developer, if it is in place. The supply, or lack of supply, really drives this. Another way to approach it is through "creative" loan programs. They would be happy to sit down with the town and relay some of their past experience. Mr. Moore went on to ask what their product will sell for at today's market. Mr. Mitchell said that varies quickly, but as of right now the low \$300,000 for one bedroom units. Mr. Moore asked what type of ROI are they looking for in a project like this. Mr. Mithcell responded that they are a small builder per se so the numbers are different than large developers. What type of demand do they see for the office and retail space? Mr. Mitchell said the demand seems to be there, but they are looking for a certain quality to fill the space. The retail component is important to the town and to the residential sales, so they must be

particular. The strongest market will most likely be around 10K s.f. on the large end. Lastly Mr. Moore asked about the underground parking and how this will be affected by the current floodplain. Mr. Mitchell said their engineers are studying the area to see how this can be mitigated.

Commissioner Burk thanked the applicant for the quality of the project. With regard to underground parking cost as an offset for the proffers, what is that cost? Mr. Mitchell said there is a \$15,000 to \$20,000 cost differential per parking space to put them underground. Was there a preexisting guideline before July per schools per unit? The Mayor said there was no pre-existing guideline prior to July. Susan Swift came forward and reiterated that there was no guideline. Attorney Beach reminded the Commission that proffers are offered, but not required.

Mayor Umstattd was very impressed with the application, and for the architect's presentation. She asked staff if there would be a county penalty for increasing the residential density in this application. Mr. Burkholder said there would be no penalty because this is not in the annexation area. With regard to affordable housing, they met with the banking community whose one big concern is the lack of affordable housing in the area, and she encouraged the applicant to do what they could to work toward beginning to solve this problem. She went on to ask if there were any plans for Raflo Park. Mr. Mithcell said they may extend the concept of the park down toward Catoctin, however, the current landowner is not interested. Mr. Rob Mitchell also added that they will add sidewalk to the right of way.

Commissioner Kalriess also thanked the applicant, especially for asking to be included in the H-1 district. What are the demographics of your typical homebuyer. Mr. Mitchell stated that was basically empty nester for the condos, young professionals and dual income, no kids for the two over twos. Mr. Kalriess asked for a justification on the target buyers for this type of development, with relation to how many people will have no children. This would help in the amount of the school proffers being offered. With regard to the underground parking, where are the access points? The town owns some property that has surface parking, if they are building underground parking, part of it should be for public use. There was some additional discussion on access points, and the garage configurations.

Mr. Kalriess then asked about painted brick with fieldstone base. Mr. Mitchell said that yes, they do intend to use that in some portions. Mr. Kalriess said this is an important project, and he would like to see standards encouraged for the development that are part of the rezoning process. He would like to understand the standards. What will they be building in the area. This should be involved in the public process. While there are standards for public improvements, but what about the private walks and streets? The applicant responded that they will be going in front of the BAR, and that they have already met with them. The discussion centered around whether new construction in the H-1 should strictly adhere to the H-1 guidelines, or whether there might be some modification. Mr. Kalriess would like to see what the product will be and what it will look like in five years.

Barbara Beach said this is the purview of the Board of Architectural Review, so whatever the applicant would discuss with the Planning Commission in regard to the product, the final decision would come from that Board. Susan Swift added that the applicant has to meet guidelines of the H-1 and will have a public hearing in front of the BAR.

Mr. Kalriess went on to ask about stormwater management, how will they handle the runoff in the area. Kevin Murray of Tritech said the site is presently 90% impervious, and there should be less runoff with the design they propose. Mr. Kalriess went on to ask if the runoff was by gravity. He would not like to see any pumping of stormwater. With regard to the village green, he asked about the intended use. Mr. Mitchell said this could be an area that could have a spillover event from an event being held downtown. With regard to the garage, are you permanently dewatering the garage? Mr. Mitchell said the water level can be altered in the area.

Next Mr. Kalriess questioned staff regarding the trail setback? Wade Burkholder said that yes, they had met with the applicant and also NVRPA regarding the trail. What is the number of vehicle trips per day generated by this development? Rob Mitchell responded that in the morning it was 259 and 414 in the afternoon according to their traffic study. Mr. Kalriess said he was more concerned with traffic proffers than with school proffers for this site. What happened to the bus stops? Mr. Burkholder said there are still two bus stops slated for the area, but one was eliminated on Harrison Street so that it would not interfere with any activities going on in the park. Next Mr. Kalriess questioned the building heights. Mr. Burkholder explained where the measurements were taken varying the heights from 50 to 60 feet. Lastly the comment on the underground garage was that this parking is not justifiable as a tradeoff for the other proffers. Make the proffers relevant to schools and transportation, not the parking garage.

Commissioner Hoovler echoed the comments of his colleagues praising the project. He feels this will be well integrated into the Crescent District Master Plan. He would like to see more integration with the proposed river walk. Why did staff say no to a trail? Mr. Burkholder replied that this would compete with necessary parallel parking spaces and sidewalks that are proposed. Mr. Hoovler said he still would like to see more integration of this in the project. Mr. Mitchell said one problem is land ownership. They are still working on this. Mr. Hoovler said he would also like to see more water features, they provide good gathering places. He went on to say that he shares Mr. Kalriess' thought on the parking issues and would like to see a plan developed. With regard to restaurants, one feature showed an area for restaurants. Are they planning on incorporating restaurants into an area of this project? Rob Mitchell said they would like to see some restaurants, but it is too early to predict what kind and how large. They are envisioning café style eateries. Mr. Hoovler asked if the retail would focus on the small business? Mr. Mitchell replied that yes, that would most likely be what is incorporated. Mr. Hoovler went on to ask about the noise ordinance and what is being planned to attenuate this in the two over two areas. Mr. Mitchell said they will be doing a study to see what will be incorporated. The design and window treatment will have a large impact on this.

Mr. Hoovler said this should be extended to all buildings. He then asked if this project would come back to the Commission for further review at any time? No, this will go on to Council and the Board of Architectural Review. He did have some concerns about the design of the two over twos.

Commissioner Barnes asked Mr. Burkholder if there was any study done on the impact of this project on schools? Were there any projections on the income generated to offset any costs. Mr. Burkholder said that a representative of the schools did comment. Based on the proffers offered, there should not be too much impact. Chairman Wright said this was set out in the staff report. Did the applicant do any study on the county tax revenues? Rob Mitchell said there was an analysis done and offered to provide a copy. Mr. Barnes then asked if the applicant agreed to all of the conditions listed out in the staff report? Mr. Mitchell said that they are working through them. Mr. Barnes commented that he too liked the look of the project.

Barbara Beach commented again that things should be nailed down prior to the review of the Commission, and definitely prior to any vote.

Chairman Wright disclosed that his wife is an employee of the Middleburg Bank, who had a representative at tonight's meeting. He commented that he likes the direction this project is taking, the design of the open green is conducive to various types of recreation. He asked where the evaluation of the transportation improvements came from and whether staff and applicant are in agreement. Mr. Burkholder said this is currently an estimate and they are still working on this. What are the next steps, are we tight against a deadline if we don't vote in two weeks? Mr. Burkholder said there was still some time. Mr. Wright then said they are looking at conditional approval pending school and transportation proffers and other staff conditions, when will the applicant be prepared to address these? Mr. Mitchell commented that they will have this in two weeks. Mr. Kalriess said this is against the Commission's recently passed bylaw. Ms. Beach said this is true if proffers are revised or new ones added, but not if information is merely expanded. Susan Swift said these are modifications to existing proffers, not entire new proffers. Mr. Kalriess asked if the applicant moves closer on proffers to staff requests, then this is not a violation of the bylaws? Ms. Beach said there has been an offer of x amount, staff is asking for y amount, a change in the amount would not require a new proffer. Mr. Kalriess said they offered an undefined amount for schools and transportation, Ms. Beach said the report specifically delineates the gaps. Ms. Swift said this is an adjustment, a number in a blank, not a new proffer.

Commissioner Burke spoke to the bylaw change. He understood the intent was to prohibit significantly new materials from the applicant. As long as the staff and Commission has ample time to review any change, then it should be allright.

Chairman Wright then went on to the two other parts of the public hearing, ZOAM 2005-0002, amendment to the Zoning Ordinance to place this property into the H-1 Old and Historic Overlay District, and TLZM 2005-0003 to rezone this property to expand

the H-1 Historic Overlay District. Essentially this is a change to text and a change to mapping.

Wade Burkholder gave the staff presentation stating that the expansion of the H-1 district in this case will assure the highest architectural standards for the development. The site has significant character as part of the town's heritage. Staff recommends approval of these two applications.

There were no members of the public to speak on this.

There were no comments from Planning Commission members. Chairman Wright asked if they would like to suspend rules and vote on these two issues tonight.

Commissioner Kalriess moved to suspend the rules to keep the public hearing open for ten days and vote on ZOAM2005-0002 and TLZM 2005-0003 tonight.

Motion: Kalriess
Second: Hoovler
Carried: 6-0-1

Commissioner Kalriess moved to approve ZOAM2005-0002.

Barbara Beach said they approve this change and deny the rezoning, the land will be in a different change category. She is not sure the applicant wants this to happen. They should consult with the applicant.

Randy Minchew, representative for the applicant came forward and stated that if this were at the Council level, he would not agree to this, however at the Planning Commission level, they agree.

Commissioner Kalriess moved to recommend approval of ZOAM 2005-0002 beginning at a point on the southwest line of the land of the Northern Virginia Regional Park Authority, being a part of the Washington and Old Dominion Trail right of way, said point also marking the northeast corner of a property of the Town of Leesburg.

Thence departing the Town property, running with the south west line of the NVRPA, S 57°15'37"E – 405.00 feet to the northerly corner of a property of AT&T Communications of Va., Inc.,

Thence departing the NVRPA, running around the AT&T parcel the following courses: 1) S 31°55'17"W – 60.00 feet and 2) S 48°55'05"E – 60.00 feet to a point on the northwesterly line of Parcel B SRL Properties Division now in the name of Barber & Ross Company.

Thence departing Perry running with the line of the AT&T Communications property; N 59°35'23"E – 77.00 feet to a point on the southwest line of the NVRPA.

Thence departing AT&T, running with the south west line of the NVRPA, S 57°17'34"E – 447.16 feet to a point on the line of the NVRPA, being the northerly corner of Lot 4, Section 1; Catocin Circle Industrial Subdivision.

Thence departing the NVRPA running with the westerly lines of Lot 4 the following courses: 1) S 30°12'39"W – 114.02 feet to a point, and 2) S 59°47'21"E – 119.57 feet to a point on the north line of Industrial Court (50' r/w).

Thence departing Lot 4 running with the north west and west line of Industrial Court the following courses: 1) with a curve to the left as follows: R = 50.00' | A = 87.35' | Ch = 76.68' | Chd Brg = S 37°30'32"W to the p.t. of the curve, and 2) S 12°33'45"E – 137.00 feet to a point on the west line of Industrial Court marking the north east corner of Lot 1.

Thence departing Industrial Court running with the north line of Lot 1; S 77°26'15"W – 179.93 feet to the north west corner of Lot 1, lying on the east line of a property of The Middleburg Bank.

Thence departing Lot 1 running with the east line of Middleburg Bank, N 12°19'35"W – 15.21 feet to the north east corner of Middleburg Bank, being an angle point in the west line of Lot 2.

Thence departing Lot 2 running with the north line of two parcels of the Middleburg Bank; S 77°31'24"W – 594.55 feet to a point on the east line of Harrison Street, S.E. (70' wide).

Thence departing Middleburg Bank running with the east line of Harrison Street, S.E.; N 08°14'14"W – 502.69 feet to a point on the south west line of a property of the Town of Leesburg.

Thence departing Harrison Street, S.E. running with the south east line of the Town property, N 59°35'23"E – 103.45 feet to the south east corner of the Town property, lying on the northwest line of Parcel B SRL Division.

Thence departing Parcel B running with the east line of the Town property; N 10°08'16"W – 475.55 feet to the point of beginning, containing 507,474 square feet, or 11.65 acres of land. Loudoun County parcel numbers 231-19-3353, 231-19-6022, 231-19-6044 and 231-19-0774.

Motion: Kalriess
Second: Barnes
Carried: 6-0-1

Commissioner Kalriess moved to approve TLZM 2005-0003, rezoning 11.65 acres to expand the H-1 Historic Overlay District including parcel numbers 231190774, 231193353, 231196022, and 231196044.

Motion: Kalriess
Second: Barnes
Carried: 6-0-1

ZONING

None

SUBDIVISION AND LAND DEVELOPMENT

None

COMPREHENSIVE PLANNING

None

COUNCIL AND REPRESENTATIVE'S REPORT

Mayor Umstattd reported on the trip to Connecticut to look at the underground power lines. Basically they returned agreeing that these lines should not be along the W&OD Trail. Fifteen feet of ditch and an additional 25 feet for equipment are required, resulting in 40 feet of tree destruction. Connecticut mandates underground lines, which they put under major commuter routes. There were VDOT and Dominion Power representatives on the trip. Route 7 could be a viable route, but not under the travel lanes. A minimum of eight foot depth will be required to put these lines anywhere a travel lane might be built.

They met with representatives of the banking community to discuss affordable housing and business initiatives.

STAFF AND COMMITTEE REPORTS

Susan Swift discussed the schedule for the Oaklawn Plan amendment. Process improvements are still in the finishing stages. With regard to the Crescent District Master Plan, the BAR is working on the architectural direction for this district, and more information on the Town Branch enhancement concept. Lastly, they are working on an affordable dwelling unit ordinance which will be forwarded to Council.

Commissioner Kalriess commented on adjacencies with the community, and he feels a worksession is necessary to go through some issues on the Crescent District. He specifically feels there is not enough transition between the neighborhoods. There also needs to be mitigation between four and five story product and existing old and historic homes. Ms. Swift said they should wait until the draft master plan is in to see what changes they have made to the draft. Mr. Kalriess said the whole issue of massing and fenestration tie into how this will blend in with the existing buildings.

Chairman Wright asked about the Oaklawn Plan amendment public hearing on the 13th. If they don't suspend the rules, then does Council have to wait for them? Barbara Beach said they would simply wait for the vote. Commissioner Hoovler asked why they were having a joint public hearing? Ms. Swift responded that the Council specifically requested this. Commissioner Burk said that date is when he and Commissioner Moore will be out of town at the Planning Commission class.

Chairman Wright asked why the rules were part of the packet. Barbara Beach responded that it was so the Commission could read the amended verbiage and finalize the amendment. Commissioner Moore asked about Mr. Kalriess' concern. The sentence reads "The Planning commission will not consider any material . . . ". This needs to be clarified. Chairman Wright said the intent was receiving new material at the last minute, but this statement may not encapsulate the entire intent. Commissioner Burk said it needs to say new material, and the amount of new material. Barbara Beach said that corrections on existing material is what this amendment refers to. The case this evening is requesting corrections. Chairman Wright read suggested language as follows: "The Planning Commission will not consider any new material generating significant changes given to them . . . ". Commissioner Kalriess asked for a clarification using an example of increasing office percentage to X. The applicant comes back and doesn't meet X – is that new material? Barbara Beach responded no, this is what was on the table and asked to be corrected. Mr. Kalriess then used an example of a proffer, Ms. Beach said this was the same. It was an existing proffer with a change. Ms. Beach said the purpose is that when this leaves the Commission and goes forward to Council it should be complete. If a package is received just prior to a meeting at which a deciding vote would be taken, then the Council would be receiving an application that was different than the one the Commission reviewed. Susan Swift said if it is that new, then two weeks will not be enough to review this properly. The gap can be made bigger if necessary. In most cases its things they have already seen and have asked for some modification, and this is why this rule was put in. Commissioner Hoovler said that is not what this rule change says. It needs to be clarified. Commissioner Burk suggested that some new wording be worked up and brought back to the next meeting. Commissioner Moore suggested the following language "The planning commission will not consider any significant new material given to them unless it was submitted two weeks prior to their scheduled meeting. For purposes of this section, material previously reviewed by staff and commented upon by PC in a public hearing shall not be considered new material." He also commented that he would be happy to work this up and email it to the other Commission members. Chairman Wright said this needs to come back to the Commission. Commissioner Kalriess needs to make sure that the applicant has an appropriate amount of time to respond to staff comments. Susan Swift said it is difficult to write the degrees of new or significant, and asked that they try to keep the norm in mind, not the exception.

Commissioner Hoovler asked that the current version of the rules be dated so that he can see which version he is looking at.

Commissioner Kalriess wanted to talk about the UGA/JLMA subcommittee. This committee needs to meet and also meet with the Council subcommittee to work up a strategy. Commissioner Hoovler agreed and said the process needs to be addressed. Mr. Kalriess said he would also like to push the adoption of the Town Plan. Chairman Wright suggested that they give Council a wish list of things they would like to ask the County for. He asked that Commissioner Kalriess attend the Council meeting as a petitioner and ask about the status of this. Perhaps they can meet prior to the next meeting. Barbara Beach said she recollected that the manager had been asked to do a follow-up on this.

Commissioner Wright said that the retreat last year was held in November. He is not sure whether they will be able to set a date this year, or wait until early 2006. Commissioner Moore asked what the retreat was about. Mr. Wright explained. Commissioner Hoovler asked that the minutes be sent to the commissioners. Mr. Wright asked if January would work best for most Commissioners. Mr. Hoovler thought that having a facilitator was very helpful. Susan Swift suggested that they get an agenda set and pick some good Saturdays in January. She will follow up with Kathryn McCarty and see what her availability is.

ADJOURNMENT

The motion was made and seconded to adjourn at 10:18pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Kevin Wright, Chairman